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In re Application of :
NAKAJIMA :
Application No.: 10/030,732 :
PCT No.: PCT/JP00/04567 :
Int. Filing Date: 10 July 2000 :
Priority Date: 09 July 1999 :
Attorney Docket No.: SAEGU97.001APC :
For: PRODUCTION METHOD FOR POROUS :
METAL BODY :

DECISION ON PETITION

This is a decision on applicant's "Petition for Acceptance of Copies as Original Under 37 CFR 1.181" filed 23 April 2004. No petition fee is required.

BACKGROUND

On 10 July 2000, applicant filed international application PCT/JP00/04567 which claimed a priority date of 09 July 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 January 2001. A Demand was filed for International Preliminary Examination prior to the 19th month from the earliest claimed priority date. As a result, the deadline for payment of the basic national fee was to expire 30 months from the priority date, or at midnight on 09 January 2002.

In response to applicant's "Status Letter" dated 26 January 2004, the Office of PCT Legal Administration mailed a communication indicating that the following papers were missing from the application: translation of the international application; first preliminary amendment; a declaration of the inventor; translation of the annexes; request for approval of drawing changes; 27 pages of drawings; and a verification of translation.

On 23 April 2004, applicant filed the present petition under 37 CFR 1.181 which included, inter alia,: translation of the international application; first preliminary amendment; a declaration of the inventor; translation of the annexes; request for approval of drawing changes; 27 pages of drawings; verification of translation; and a postcard receipt dated 08 January 2002.

DISCUSSION

Applicant states in their present petition that a translation of the international application; first preliminary amendment; a declaration of the inventor; translation of the annexes; request for approval of drawing changes; 27 pages of drawings; and verification of translation were received at the United States Patent and Trademark Office on 08 January 2002. A review of the present application reveals that the items listed above are not located therein. Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

Here, applicant has provided a copy of their date-stamped filing receipt. The receipt identifies the application by applicant, title of invention, and attorney docket number. The receipt itemizes translation of the international application; first preliminary amendment; a declaration of the inventor; translation of the annexes; request for approval of drawing changes; 27 pages of drawings; and verification of translation. The receipt is stamped "Rec'd PCT/PTO 08 January 2002" across its face is sufficient to indicate that the above items were in fact received in the Office on 08 January 2002.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is GRANTED.

This application will be given an international filing date of 10 July 2000 and a date of **08 January 2002** under 35 U.S.C. 371.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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